

REPORT OF THE BOARD OF STEWARDS

BAY MEADOWS RACE COURSE

SAN MATEO, CA.

To the California Horse Racing Board

Arnold Schwarzenegger, Governor

Honorable Richard B. Shapiro, Chairman

Honorable John C. Harris, Vice Chairman

Honorable John W. Amerman, Member

Honorable John Andreini, Member

Honorable Jesse H. Choper, Member

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BOARD OF STEWARDS

Grant Baker- John Herbuveaux- Darrel McHargue

Report for the period Thursday April 10, through Monday April 14, 2008

4/10/08 THURSDAY

(1) CAL-BRED REPORT

There were no Cal-Bred races offered for today's card by the Bay Meadows Racing Association.

(2) KERWIN JOHN RULING

Ruling # 48

Jockey Kerwin John is fined the sum of fifty dollars (\$50.00) for violation of California Horse Racing Board Rule #1680 (a) (Jockeys and Driver to Report – Late) on April 7, 2008 at Bay Meadows Race Course.*

Jockey Kerwin John has been notified of the penalty stated above. Jockey John showed up in the jockey's room after the first race had commenced on April 7th. Assistant Clerk Of Scale Ken Sjoldal was not informed by Kerwin John as to when he would arrive to the jockey's room.

(3) RANDY POITEVINT RULING

Ruling # 49

In the Matter of:

Owner Randy Poitevint

The outstanding financial obligation to San Francisco Equine Inc. having been resolved, the license privileges of Owner Randy Poitevint are restored to good standing and Pacific Racing Association ruling # 38 dated December 29, 2007, suspending Randy Poitevint for violation of California Horse Racing Board Rule # 1547 (Failure to Appear), is hereby set aside.

The license privileges of owner Randy Poitevint were reinstated today after the Stewards were contacted by the offices of San Francisco Equine Inc. A financial complaint agreement was signed yesterday (April 9, 2008) where Randy Poitevint agrees to make \$200.00 monthly payments until his \$1,800.00 bill has been paid.

(4) AMENDED TIMES

The original time on the tote board following the seventh race was 138.16. Track announcer Michael Wrona gave notice of an amended hand time of 136.27 for this one mile race on the turf course. An amended hand time was also announced following the previous sixth race which was contested on the main track.

(5) GOOD RACING

Today's eight race program went well. There were no Steward's inquiries or Jockey objections throughout the afternoon's card.

(6) DECLARATIONS – REFUNDS

2 nd race #5 MAKKA BET	(Tr. R B Hess)
vet- sick Diane Isbell D.V.M.	Refunds \$ 263.00
3 rd race # 4 A P CHARLIE	(Tr. William E. Morey)
vet- sick Diane Isbell D.V.M.	Refunds \$ 587.00
4 th race # 3 BURNING BLUR	(Tr. William E. Morey)
vet- injured Diane Isbell D.V.M.	Refunds \$ 695.20
7 th race # 3 STEPHEN BRUCE	(Tr. Bud Klokstad)
vet- sick Diane Isbell D.V.M.	Refunds \$ 869.00
#7 RONICA'S BOY	(Tr. Eddie Trujillo)
vet- sick Diane Isbell D.V.M.	Refunds \$ 67.00

(7) ATTENDANCE – HANDLE

On Track Attendance	1,521
N-Cal Attendance	4,086
On Track Handle	\$402,043.40
N-Cal Handle	\$1,290,336.40
<u>S Cal on N Cal</u>	<u>\$506,030.50</u>
Total Handle	\$3,029,550.88

4/11/2008 FRIDAY

(1) CAL-BRED REPORT

Purse \$13,000 for Cal-Bred Three Year Olds, claiming price \$10,000 - \$9,000 at five and one half furlongs. The Cal-Bred was called off however this event went open with seven entrants.

(2) ART SHERMAN STIPULATED AGREEMENT – (CASE #'S 07GG054 & 06BM125)

A formal hearing was held today in the Bay Meadows Stewards office for the purpose of putting a signed stipulated settlement agreement on the record.

This case involves two high TCO₂ (Total Carbon Dioxide) confirmed test results of Art Sherman trained horses. Along with the Stewards, present at this hearing were Trainer Art Sherman, California Horse Racing Board Supervising Investigator Anne Glasscock and Christine Niccoli (Niccoli Reporting). This agreement was signed by California Deputy Attorney General Mary Cain – Simon, California Horse Racing Board Chairman Richard Shapiro, California Horse Racing Board Executive Director Kirk Breed, Trainer Art Sherman and his lawyer John F. (Jack) Demeo.

Ms. Glasscock presented the case for this hearing which was chaired by Steward Darrel McHargue. Exhibits were introduced and submitted into the record. Trainer Art Sherman gave sworn testimony after which the Stewards adopted the stipulated agreement. The following ruling was issued:

Ruling # 50

Pursuant to a stipulated agreement with the California Horse Racing Board trainer Art Sherman, who started the horses BRAHMA BULL, second place finisher in the fourth race at Bay Meadows Race Course on December 2, 2006 and HATIF, second place finisher in the tenth race at Golden Gate Fields on June 10, 2007 is suspended thirty (30) days and fined the sum of seventy -five hundred dollars (\$7,500) pursuant to California Horse Racing Board Rule 1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rules 1843.1 (b) (Prohibited Drug Substances) and 1843.6 (d) (1,2) (Total Carbon Dioxide Testing) (Class III) – 37.9 mml/l and 40.1 mml/l respectively.*

In accordance with the stipulated agreement twenty (20) days of the thirty (30) day suspension shall be stayed, said stay to become permanent upon successful completion of one year probation with no further class I, II or III violations.

The suspension shall be served from April 12, 2008 through April 21, 2008 and during the term of suspension all licenses and license privileges of Art Sherman are suspended

and pursuant to California Horse Racing Board Rule # 1528 (Jurisdiction of Stewards to Suspend or Fine) subject is denied access to all premises in this jurisdiction.

(3) JORGE HERRERA FILM REVIEW

Jockey Jorge Herrera appeared in the Stewards office to review his ride aboard #4 KING OF BLING who finished fifth in the sixth race April 7, 2008. Jockey Herrera and his mount were disqualified and placed sixth for shifting out in front of original sixth place finisher #1 ANY WAGER (Frank Alvarado) approaching the 3/16 pole. Jockey Alvarado was forced to steady sharply in this race after this incident took place.

The Stewards unanimously voted to issue the following ruling:

Ruling # 51

Jockey Jorge Herrera, who rode KING OF BLING in the sixth race at Bay Meadows Race Course on Monday April 7, 2008, is suspended three (3) racing days (April 18, 19, and 20, 2008) for failure to make a proper effort to maintain a true course entering the stretch and causing interference resulting in a disqualification from fifth to sixth. A violation of California Horse Racing Board Rule # 1699 (d) & (f) (Riding Rules-Careless Riding).

(4) OFFICIAL CHANGE

Jamie Martin filled in for veteran racing official C. Gregory Brent this evening, who is off for personal reasons. This substitution is in the placing judge stand.

(5) THIRD RACE INQUIRY

The Stewards posted the inquiry sign following this race to review an incident involving four horses, in two separate incidents, at the start of this five and one half furlong event.

In the first incident fourth place finisher #1 ROYAL ESCAPE (William Antongeorgi) breaks outward bumping sixth (last) place finisher #2 Y U BAD BOY (Barrington Harvey) who happened to break slow.

In the second incident first place finisher #4 SO DAVE (Jorge Ayarza) breaks in sharply in front of an also slow breaking, fifth place finisher, #3 ALLEY K KATS (Francisco Duran). Both #3 ALLEY K KATS AND # 2 Y U BAD BOY were a well beaten fifth and sixth respectively.

The Stewards unanimously voted that neither incident warranted any change in the original order of finish.

(6) SEVENTH RACE INQUIRY – DISQUALIFICATION

The Stewards posted the inquiry sign following this race to view an incident approaching the 1/8 pole. There was also a jockey's objection in this race. The rider of second place

finisher #4 ILLUMINATE (Kyle Kaenel) lodged a claim of foul against original first place finisher #2 SPLASH HIT (Roberto Gonzalez).

During the stretch drive of this race #2 SPLASH HIT has the lead in this five and one half furlong sprint and veers inward approaching the 1/8 pole. At this point a fast closing #4 ILLUMINATE, with Jockey Kyle Kaenel, is forced to steady. After the incident #4 ILLUMINATE re-rallies and is beaten ½ of a length for the win.

The Stewards viewed all camera angles of the incident including a very helpful (for purposes of determining the controversy) 3/8 pole camera angle. After considering patrol judge input and then speaking with both riders involved, the Stewards unanimously voted to disqualify #2 SPLASH HIT and place him second. Jockey Roberto Gonzalez was ordered to film review with the Stewards.

Original Order of Finish 2-4-5-1-6-3-7

Official Order of finish 4-2-5-1-6-3-7

(7) ATTENDANCE- HANDLE

On Track Attendance	5,552
N-Cal Attendance	8,206
On Track Handle	\$474,340.10
N-Cal Handle	\$1,444,824.60
<u>S Cal on N Cal</u>	<u>\$292,592.10</u>
Total Handle	\$2,624,630.28

4/12/08 SATURDAY

(1) CAL- BRED REPORT

Purse \$11,000 for Cal-Bred Four Year Olds and Upward which have never won three races, claiming price \$12,500 at five and one half furlongs went open with ten entrants. Seven of those entrants were Cal-Bred.

(2) ROBERTO GONZALEZ FILM REVIEW

Jockey Roberto Gonzalez appeared in the Steward's office as ordered to review his ride aboard # 2 SPLASH HIT in last night's (April 11) seventh race. #2 SPLASH HIT was disqualified (Ref: 4/11/08 [6]) for interference approaching the 1/8 pole.

During film review Jockey Gonzalez stated he felt there wasn't sufficient room along the rail, entering the stretch, for Jockey Kyle Kaenel to enter. Kanael was aboard original second place finisher #4 ILLUMINATOR. The Stewards felt that Jockey Gonzalez was not sufficiently clear when he veered inward in front of #4 ILLUMINATOR. After reviewing all camera angles of the incident Jockey Gonzalez eventually agreed with the Stewards interpretation. This incident comes on the heels of a three day Gonzalez suspension (BMRC Ruling #44) issued April 6, 2008. The Stewards issued the following ruling in this matter.

Ruling # 52

Jockey Roberto Gonzalez, who rode SPLASH HIT in the seventh race at Bay Meadows Race Course on Friday April 11, 2008, is suspended five (5) racing days (April 19, 20, 23, 24, and 25) for failure to make a proper effort to maintain a straight course in the stretch and causing interference resulting in the disqualification of his mount from first to second. A violation of California Horse Racing Board Rule #1699 (d) & (f) (Riding Rules- Careless Riding).

(3) SECOND RACE – INQUIRY – DISQUALIFICATION

The Stewards posted the inquiry sign to view an incident approximately fifty yards after the start. There were also two objections lodged in this race. The riders of fourth place finisher #3 INODINO (Russell Baze) and eighth place finisher #2 SWAY OPINION (Alex Bisono) both filed claims of foul against the original first place finisher #5 KOOL COMIC (Inoel Beato).

About sixty yards after the start #5 KOOL COMIC is ridden to the lead by Jockey Beato. While racing down towards the rail #5 KOOL COMIC veers inward without sufficient clearance, forcing third place finisher #4 CASEY D (Roberto Gonzalez) to take up sharply. This incident started a three horse chain reaction which also compromised the opportunities of #3 INODINO (Russell Baze) and eighth (last) place finisher #2 SWAY OPINION (Alex Bisono). SWAY OPINION clipped the heels of # 3 INODINO as a result.

The Stewards reviewed films, received patrol judge input and spoke with all jockeys involved. As a result the Steward's unanimously voted to disqualify #5 KOOL COMIC and place him eighth (last). Jockey Inoel Beato was ordered to film review tomorrow.

Original Order of Finish 5-1-4-3-7-6-8-2

Official Order of Finish 1-4-3-7-6-8-2-5

(4) FOURTH RACE- INQUIRY- ACCIDENT

The Stewards posted the inquiry sign to review an accident shortly after the start. Approximately forty yards after the start #4 TAYLOR COUNTY (Jorge Ayarza) veers inward and makes contact with #3 BILLY BOO BOO (Jorge Herrera). At this point #4 TAYLOR COUNTY stumbles, jockey Ayarza then loses his balance and becomes unseated. Films show that #4 TAYLOR COUNTY initiated his own misfortune. The Stewards removed the inquiry sign and declared this race 'official'. An accident report is attached to these minutes.

(5) DECLARATIONS – REFUNDS

4TH race #3 NEVER MISS
vet- sick Diane Isbell D.V.M.

(Tr. Craig Lewis)
Refunds \$ 768.40

5th race #2 STRANGE BREW
vet- sick Diane Isbell D.V.M.

(Tr. Gloria Buckridge)
Refunds \$ 2,072.79

(6) ATTENDANCE - HANDLE

On Track Attendance	3,735
N-Cal Attendance	8,496
On Track Handle	\$1,262,804.50
N-Cal Handle	\$3,012,564.80
<u>S Cal on N Cal</u>	<u>\$1,187,644.20</u>
Total Handle	\$6,334,831.90

4/13/08 SUNDAY

(1) CAL- BRED REPORT

Purse \$9,500 for Cal-Bred Fillies and Mares Four Years Old and Upward, claiming price \$6,250, six furlongs was called off with two entrants.

(2) MANUEL CALVARIO COMPLAINT (CASE # 08BM098)

A formal hearing was held today in the Stewards office. California Horse Racing Board Senior Special Investigator Charles Smith filed a complaint against Trainer Manuel Calvario for alleged violation of California Horse Racing Board Rules 1581.1 (Entries) Rule 1629 (Penalty for Late Declaration) and Rule 1902.03 (Animal Welfare).

This complaint alleges that on March 20, 2008 Trainer Manuel Calvario worked the horse KILLER BEE 7 furlongs at Golden Gate Fields, which was the same morning that Trainer Calvario submitted a scratch card for a race at Bay Meadows. KILLER BEE was scheduled to race in the second race the afternoon (March 20) of the seven furlong workout.

Trainer Calvario stated that his horse was overmedicated (Three medications- Bute, Uniprim and Banamine), after tying up three days earlier, and that he didn't want to risk a "Bad Test" on race day (March 20, 2008).

Trainer Calvario said that his horse had nasal discharge and was treated with Banamine on March 16, 2008.

Private Veterinarian Bill Grantham gave testimony via telephone. He stated Calvario told him the horse (KILLER BEE) had a 101 degree temperature the day before the race (March 19, 2008). The Stewards weighed testimony and evidence concerning two issues

a.) Integrity of the scratch card

b.) Welfare of KILLER BEE

Exhibits were placed into evidence. The record was closed and the Stewards will deliberate on this matter. A decision to follow....

(3) FRANK MARTIN JR. COMPLAINT (CASE # 08BM081)

The Stewards were given a financial complaint payment agreement by Christina Sherman representing San Francisco Equine Veterinarian Group. This agreement spells out a payment arrangement where Trainer Frank Martin Jr. agrees to a bill of \$11,709.35 for veterinarian services past due.

(4) ADRIAN PEREZ MEETING

Apprentice Jockey Adrian Perez appeared in the Stewards office this morning as ordered. Apprentice Perez has not ridden his last two scheduled mounts (April 11, & 12, 2008). Perez appears not be familiar with protocol regarding requests to be excused from riding engagements when not feeling well.

The Stewards sat down with Apprentice Perez and emphasized that communication with Clerk of Scales Paul Nicolo and Assistant Clerk of Scales Ken Sjoldal is important. The Stewards also stated that Track Physician David Seftel must be seen before leaving the restricted area of the jockey's quarters for the afternoon.

(5) JEFF STRANG HEARING (CASE # 08BM100)

Trainer Jerry Hollendorfer filed a complaint against horse owner Jeff Strang for alleged unpaid horse training fees of \$2,997.67. Owner Strang failed to show at this hearing, which was scheduled yesterday April 12, 2008. The Stewards issued the following ruling.

Ruling # 53

Owner Jeff I. Strang, having failed to respond to written notice to appear before the Board of Stewards at Bay Meadows Race Course on or before April 12, 2008, is hereby suspended for violation of California Horse Racing Board Rule # 1547 (Failure to Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board Rule # 1876 (Financial Responsibility).

(6) INOEL BEATO FILM REVIEW

Jockey Inole Beato appeared in the Stewards office as ordered to review his ride in yesterdays second race (April 12, 2008). Jockey Beato was accompanied by Jockey Angel Feliz who served as in interpreter.

The Stewards were concerned with an incident in the opening furlong which led to the disqualification of Jockey Beato's mount #5 KOOL COMIC from first to eighth (last).

Jockey Beato's mount veers inward without sufficient clearance leading to a four horse chain reaction, Jockey Beato understood that he should have corrected his errant course earlier and understood the Stewards involvement regarding the disqualification. This incident falls on the heels of a previous April, 2008 Beato ruling (Ref: 4/12/08 [3]).

The Stewards unanimously voted to issue the following ruling in this matter.

Ruling # 54

Jockey Inoel Beato, who rode KOOL COMIC in the second race at Bay Meadows Race Course on April 12, 2008, is suspended five (5) racing days (April 20, 23, 24, 25, and 26, 2008) for failure to make a proper effort to maintain a straight course after the start and causing interference resulting in the disqualification of his mount from first to eighth. A violation of California Horse Racing Board Rule # 1699 (d) & (f) (Riding Rules- Careless Riding).

(7) SEVENTH RACE INQUIRY- DISQUALIFICATION

The Stewards posted the inquiry sign after viewing two incidents during this race. Approaching the five and one half furlong pole sixth place finisher #2 MINER PIC (Chad Schvaneveldt) drifts out causing tenth (last) place finisher #3 SPEAKING OF FLYING (Luis Contreras) to clip heels. For this incident the Stewards disqualified #2 MINER PIC and placed her tenth (last).

In the second incident at the 3/8 pole when racing up along the inside of fourth place finisher FOURTEEN CAROT (Jorge Ayarza). The Stewards made 'no change' for this occurrence.

Jockey's Chad Schvaneveldt and Jorge Ayarza were ordered to film review with the Steward's.

Original Order of Finish 9-6-1-7-8-2-4-5-11-3

Official Order of Finish 9-6-1-7-8-4-5-11-3-2

(8) DECLARATIONS – REFUNDS

4 th race # 4LITTLE AVA	(Tr. A. L. Diaz)
vet- sick Diane Isbell D.V.M.	Refunds \$ 1,714.00

5 th race # 7 MY SILVER RANSOM	(Tr. Joseph Brook)
vet- sick Diane Isbell D.V.M.	Refunds \$ 490.10

(9) ATTENDANCE - HANDLE

On Track Attendance	2,713
N-Cal Attendance	5,897
On Track Handle	\$757,382.10
N-Cal Handle	\$1,947,187.80
<u>S Cal on N Cal</u>	<u>\$908,349.50</u>
Total Handle	\$5,128,482.46

4/14/08 MONDAY

(1) CAL-BRED REPORT

Purse \$13,000 for Cal-Bred Fillies Three Years Old, claiming price \$10,000, one mile was called off with two entries.

(2) OFFICIAL CHANGES

Clerk of Scales Paul Nicolo is off today for personal reasons, Assistant Clerk of Scales Ken Sjoldal will take over weighing the jockeys today. Veteran Official Bob McGrath will fill in as Assistant Clerk of Scales.

Horse Identifier Patrick Kealy is off for two weeks for personal reasons. Long time Identifier Darrel Sparks will fill in.

Examining Veterinarian Diane Isbell fills in today and next Thursday (April 17) for Track Veterinarian Jessica Christiansen, who is off for personal reasons.

(3) CHAD SCHVANEVELDT FILM REVIEW

Jockey Chad Schvaneveldt appeared as ordered to review his ride in yesterday's (April 13) 7th race. Fifty yards after the start, Jockey Schvaneveldt's mount #2 MINER PIC drifts out slightly in front of tenth (last) place finisher #3 SPEAKING OF FLYING (Luis Contreras). This event caused #3 SPEAKING OF FLYING to clip heels.

The Stewards noticed that #2 MINERS PIC lugged out continuously during the course in this six furlong race. The Stewards absolved Jockey Schvaneveldt of any wrongdoing as they felt the performance of #2 MINES PIC contributed significantly to the aforementioned incident.

(4) JORGE AYARZA FILM REVIEW

Jockey Jorge Ayarza appeared in the Stewards office as ordered to review his ride aboard fourth place finisher #7 FOURTEEN CAROT in yesterday's (April 13) seventh race. Jockey Ayarza was accompanied by an interpreter, Valet Joe Hernandez.

Jockey Ayarza was in second position when approaching the far (3/8) turn. At this juncture eventual third place finisher #1 WIDEYEDNMYSTIFIED (Frank Alvarado) takes up sharply while racing up inside #7 FOURTEEN CAROT. Film review shows first place finisher #9 BRIEF MARK (Francisco Duran) put slight pressure on #7 FOURTEEN CAROT. Another factor in this incident was what appears to be control issues (running off) of #1 WIDEYEDNMYSTIFIED and Jockey Alvarado.

(5) SMOOTH CARD

Other than two late scratches at the starting gate, today's eight race card went well. There were no Steward's inquiries or Jockey objections on the afternoon's slate.

(6) DECLARATIONS – REFUNDS

5th race #3 SHANNYN'S PRIDE
vet- reared in starting gate, Diane Isbell D.V.M.

(Tr. Howard Belvoir)
Refunds \$ 51,910.67

6th race #8 TIANJIN
vet- sick Diane Isbell D.V.M.

(Tr. Lloyd Mason)
Refunds \$ 111.00

#9 DOTSY JEAN
vet- reared in starting gate, Diane Isbell D.V.M.

(Tr. Ed Moger Jr.)
Refunds \$134,063.92

(7) ATTENDANCE- HANDLE

On Track Attendance	1,169
N-Cal Attendance	3,391
On Track Handle	\$378,264.80
N-Cal Handle	\$1,190,142.00
<u>S Cal on N Cal</u>	<u>\$524,593.00</u>
 Total Handle	 \$3,057,028.57

	10-Apr	11-Apr	12-Apr	13-Apr	14-Apr	WEEK TOTAL	Meet TOTAL
ACCIDENTS	0	0	1	0	0	1	7
CAL-BRED RACES	0	0	0	0	0	0	8
CLAIMS	1	1	3	0	3	8	130
DISQUALIFICATIONS	0	1	1	1	0	3	11
INQUIRIES / OBJECTIONS	0	2	3	1	0	6	31
REFUNDS	5	4	2	3	3	17	28
RULINGS	2	2	1	2	0	7	53

Grant Baker

Darrel McHargue

John Herbuveaux

